

## **REMARKS**

The Advisory Action dated March 12, 2010, indicated that the claim amendments presented in Applicant's prior after final Response and Amendment dated March 1, 2010, were not entered. Accordingly, claims 1, 12, 13, 18, 19, 21, 23-25, 29-31, 33-36, and 38-49 are currently pending in this application. Claims 12, 13, 18, 19, 29-31, and 41-49 stand withdrawn. Claims 12, 13, 18, 19, 21, 23, 24, 29-31, 33-36, and 38-49 are cancelled without prejudice or disclaimer as to the subject matter thereof. Claims 2-11, 14-17, 20, 22, 26-28, 32, 37, and 50 were previously cancelled without prejudice or disclaimer as to the subject matter thereof. Applicants respectfully reserve the right to prosecute the subject matter of the cancelled claims in one or more Continuation or Divisional applications. Claims 1 and 25 will be pending on entry of the current amendments.

### **Allowable Claims**

Applicants appreciate the Examiner's indication that claims 1 and 25 are allowable. *See* Office Action Summary, item 5.

### **Rejections**

#### ***35 U.S.C. § 112, 1<sup>st</sup> Paragraph, Written Description***

Claims 38-40 were rejected under 35 U.S.C. § 112, 1<sup>st</sup> paragraph as allegedly failing to comply with the written description requirement. This rejection has been rendered moot by the cancellation of claims 38-40.

#### ***35 U.S.C. § 112, 1<sup>st</sup> Paragraph, Enablement***

##### ***A. Claims 33-35***

Claims 33-35 were rejected under 35 U.S.C. § 112, 1<sup>st</sup> paragraph as allegedly failing to

provide enablement. This rejection has been rendered moot by the cancellation of claims 33-35. Applicants respectfully reserve the right to address this rejection in a Continuation or Divisional application.

*B. Claim 24*

Claim 24 was rejected under 35 U.S.C. § 112, 1<sup>st</sup> paragraph as allegedly failing to provide enablement. This rejection has been rendered moot by the cancellation of claim 24. Applicants respectfully reserve the right to address this rejection in a Continuation or Divisional application.

***35 U.S.C. § 112, 2<sup>nd</sup> Paragraph***

*A. Claims 23 and 34*

Claims 23 and 34 were rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph as allegedly indefinite in the recitation of "... wherein the cancer disease is selected from the group consisting of ...." This rejection has been rendered moot by the cancellation of claims 23 and 34. Applicants respectfully reserve the right to address this rejection in a Continuation or Divisional application.

*B. Claim 24*

Claim 24 was rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph as allegedly indefinite in the recitation of the cell lines "MCF-7" and "FM3". This rejection has been rendered moot by the cancellation of claim 24. Applicants respectfully reserve the right to address this rejection in a Continuation or Divisional application.

**Prior Art Rejections**

A. 35 U.S.C. § 102 (b)

1.) Claims 21, 23, 36, and 40 were rejected under 35 U.S.C. § 102 (b), as allegedly anticipated by the disclosure of Andersen *et al* (Cancer Res., 2/2001, 61:869-872) as evidenced by Andersen *et al* (Cancer Res., 2001, 61:5964-5968). This rejection has been rendered moot by the cancellation of claims 21, 23, 36, and 40. Applicants respectfully reserve the right to address this rejection in a Continuation or Divisional application.

2.) Claims 21, 23, 36, and 40 were rejected under 35 U.S.C. § 102 (b), as allegedly anticipated by the disclosure of Andersen *et al* (Cancer Res., 2001, 61:5964-5968). This rejection has been rendered moot by the cancellation of claims 21, 23, 36, and 40. Applicants respectfully reserve the right to address this rejection in a Continuation or Divisional application.

3.) Claims 21, 23, 34-36, and 40 were rejected under 35 U.S.C. § 102 (b), as allegedly anticipated by the disclosure of International Publication No. WO 02/072631 (9/19/2002). This rejection has been rendered moot by the cancellation of claims 21, 23, 34-36, and 40. Applicants respectfully reserve the right to address this rejection in a Continuation or Divisional application.

B. 35 U.S.C. § 103(a)

1.) Claims 21, 23, 34-36, and 40 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over Anderson *et al* (2001, 61:5964-5968) in view of U.S. Patent No. 6,572,864. This rejection has been rendered moot by the cancellation of claims 21, 23, 34-36, and 40. Applicants respectfully reserve the right to address this rejection in a Continuation or Divisional application.

2.) Claims 21, 23, 34-36, and 40 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over Anderson *et al* (2/2001, 61:869-872) in view of U.S. Patent No. 6,572,864. This rejection has been rendered moot by the cancellation of claims 21, 23, 34-36, and 40. Applicants respectfully reserve the right to address this rejection in a Continuation or Divisional application.

**CONCLUSION**

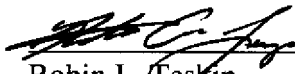
An indication of allowance of all claims is respectfully solicited. Early notification of a favorable consideration is respectfully requested.

Respectfully submitted,

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